

**COMMONWEALTH OF MASSACHUSETTS  
NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE  
BOARD OF REGISTRATION IN NURSING**

Wednesday, January 8, 2014  
9 a.m. to 1:30 p.m.

239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 417A  
Boston, Massachusetts 02114  
Preliminary Agenda  
12/31/2013 11:00 AM

Time	Item #	Item	Exhibits	Staff Contact
9:00 a.m.	I.	Call to Order		
	II.	Approval of Agenda	Agenda	
	III.	Adjudicatory Session	Closed Session	
	IV.	G.L. c. 112, § 65C Session	Closed Session	
	V.	Executive Session	Closed Session	TW
10:15 a.m.	VI.	<b>Approval of Minutes</b> A. November 13, 2013 Regularly Scheduled Meeting B. November 22, 2013 Special Meeting	Minutes Minutes	
	VII.	<b>Reports</b> A. Chairperson and Board Members' Reports B. Executive Director's Report C. Staff Report 1. Deputy Executive Director 2. Policy and Research 3. Practice 4. Education 5. Complaint Resolution 6. SARP 7. Probation	None Report  Report Report Report Report Report Report Report	RH  CR CS LT CS AF/HC VI/DM KF

	Item #	Item	Exhibits	Staff Contact
	VIII.	<b>Consensus Agenda</b> A. NCSBN Update B. Coalition for the Prevention of Medical Errors Update	None October, 2013 minutes & November, 2013 Report November, 2013 minutes & December, 2013 Report	LT LT LT
	IX.	<b>Requests for License Reinstatement</b> A. J. Low, RN244621; RN-05-173 B. L. Gorton, RN197142; RN-02-348 C. L. Wellspeak, LN59724; LN-04-188	Request Memo	TW/MS
10:45 a.m.	X.	<b>A. Resolution of Pending Board Complaints</b> 1. M. Litman, RN/PC142475, NUR-2013-0002 2. B. Eisenhauer, LN88635, NUR-2013-0145 3. A. Persall, LN64181, NUR-2013-0183 4. E. Zielinski, RN268191, NUR-2013-0120 5. M. Zona, RN150925, NUR-2013-0146 6. S. Coughlin, RN284927, NUR-2013-0179 7. C. Daniels, RN/NP268224, NUR-2013-0180 8. L. Sullivan, RN218409, NUR-2013-0181	Investigative Report (IR) IR IR IR IR IR IR	MEM/ASF MEM/ASF MFS/ASF MFS/HC MFS/HC MFS/HC MFS/ASF ES/ASF
	X. (cont'd)	<b>B. Resolution of Pending Board Staff Assignments</b> 1. K. D'Alessandra aka Gately, LN64369, SA-INV-2796 2. E. Bull, RN/PC88084, SA-INV-2941 3. L. Moriarty, RN/NP2262902, SA-INV-2969 4. M. Stelly-Gendron, RN/NP205899, LN51770, SA-INV-2937 5. A. Harakas, RN/PC21577, SA-INV-3053 6. N. Granger, RN/PC148763, SA-INV-3286 7. C. Saball-Tobin, RN/PC159992, SA-INV-3707 8. S. Abraham, RN130200, SA-INV-3731 9. J. Burke, RN/NP149281, SA-INV-3732	IR  IR IR IR  IR IR IR IR	ES/ASF  CL/ASF CL/HC MFS/ASF  MFS/HC MFS/HC MFS/HC MFS/HC MFS/HC

	<b>XI.</b>	<b>Probation</b> A. L. Tanner, RN 254431, RN-06-162 B. A. Cobia, RN 257738, RN-06-209	Request Memo Request Memo	KF KF
	<b>XII.</b>	<b>Education</b> A. 244 CMR 6.04(1) notifications: 1. Greater Lowell Technical High School 2. Westfield State University B. 244 CMR 6.08(1)(a) Evaluation of Approval Status: Blue Hills Regional Technical School Practical Nurse Program		CS CS
	<b>XIII.</b>	<b>Announcements/Other</b>		
1:30 p.m.	<b>XIV.</b>	<b>Adjournment</b>		

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF REGISTRATION IN NURSING**

239 Causeway Street, Room 417A  
Boston, MA 02114

**Minutes of the Regularly Scheduled Board Meeting  
Wednesday, January 8, 2014**

**Board Members Present**

S. Kelly, RN/NP, Chair  
K. Gehly, RN/NP, Vice Chair  
M. Beal, RN/NM  
P. Gales, RN  
J. Killion, LPN  
B. Levin, RN  
A. Peckham, RN  
E. Richard Rothmund, Public Member  
J. Roy, RN  
C. Simonian, PharmD, RPh  
C. Tebaldi, RN/NP

**Board Members Not Present**

**Board Staff Present**

R. Harb, RN, Executive Director  
H. Cambra, RN, JD, Complaint Resolution Coordinator  
A. Fein, RN, JD, Complaint Resolution Coordinator  
V. Iyawe, RN, SARP Coordinator  
D. Mclellan, RN, SARP Coordinator  
C. Robertson, RN, Deputy Executive Director  
C. Silveira, RN, Assistant Director for Policy and Research  
M. Strachan, JD, Board Counsel  
L. Talarico, RN/NP, Nursing Practice  
S. Varghese, RN, Nursing Education  
T. Westgate, Paralegal

**Board Staff Not Present**

**Guests**

See attached list.

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**TOPIC:**

Call to Order

**DISCUSSION:**

A quorum of the Board was present. S. Kelly invited C. Silveira to introduce Sarah Varghese, MS, RN, who joined the Board staff on Monday, January 6, 2014, as one of its new Nursing Education Coordinators.

**ACTION:**

At 9:05 a.m., S. Kelly, Chairperson, called the January 8, 2014 Regularly Scheduled Board Meeting to order.

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**TOPIC:**

Approval of the Agenda

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**DISCUSSION:**

A. Fein, CRC requested that the three (3) Board Staff Assignments cases listed on the Board's open session agenda at Section X.B.2, X.B.5 and X.B.6 be moved to the G.L. c. 112, § 65C session agenda under Section IV.E.

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**ACTION:**

Motion by E. Richard Rothmund, seconded by B. Levin, and unanimously passed to approve the agenda as revised.

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**TOPIC:**

Adjudicatory Session

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**DISCUSSION:**

None

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**ACTION:**

Motion by B. Levin, seconded by K. Gehly, and unanimously passed by roll call vote to go into Adjudicatory Session at 9:08 a.m. to discuss decisions in pending adjudicatory matters.

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**Adjudicatory Session 9:08 a.m. to 9:30 a.m.**

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**TOPIC:**

G.L. c. 112, s. 65C Session

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**DISCUSSION:**

None

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**ACTION:**

Motion by E. Richard Rothmund, seconded by B. Levin, and unanimously passed by roll call vote to go into G.L. c. 112, s. 65C Session at 9:30 a.m. to discuss negotiated settlements of complaints.

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**G.L. c. 112, s. 65C Session 9:30 a.m. to 11:10 a.m.**

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**RECESS 11:10 a.m. to 11:25 a.m.**

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**TOPIC:**

G.L. c.30A, §21 Executive Session

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**DISCUSSION:**

None

**ACTION:**

Motion by E.R. Rothmund, seconded by A.M. Peckham, and unanimously passed by roll call vote to go into Executive Session at 11:25 a.m. as per Purpose One of G.L. c.30A, §21 (a)(1) with the Open Session to reconvene upon conclusion of the Executive Session.

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**G.L. c. 30A, § 21 Executive Session 11:25 a.m. – 11:40 a.m.**

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**TOPIC:**

Approval of the Minutes of the November 13, 2013, Regularly Scheduled Board Meeting

**DISCUSSION:**

None

**ACTION:**

Motion by B. Levin, seconded by M. Beal, and unanimously passed to accept the Minutes of the November 13, 2013, Regularly Scheduled Board Meeting.

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**TOPIC:**

Approval of the Minutes of the November 22, 2013, Special Meeting

**DISCUSSION:**

None

**ACTION:**

Motion by E.R. Rothmund, seconded by P. Gales, and unanimously passed to accept the Minutes of the November 22, 2013, Special Meeting.

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**TOPIC:**

Reports

- A. Chairperson and Board Members' Reports
- B. Executive Director's Report
- C. Staff Reports
  - 1. Deputy Executive Director
  - 2. Associate Director for Policy and Research
  - 3. Practice
  - 4. Education
  - 5. Complaint Resolution
  - 6. SARP
  - 7. Probation Monitor

**DISCUSSION:**

- A. Chairperson and Board Members Reports:
- B. Executive Director's Report: Board members reviewed R. Harb's previously distributed report

C. Staff Reports:

1. Board members reviewed C. Robertson's previously distributed report
2. Board members reviewed C. Silveira's previously distributed report
3. Board members reviewed L. Talarico's previously distributed report
4. Board members reviewed C. Silveira's previously distributed report
5. Board members reviewed A. Fein's and H. Cambra's previously distributed report
6. Board members reviewed V. Iyawe's and D. McLellan's previously distributed report
7. Board members reviewed K. Fishman previously distributed report

**ACTION:**

- A. So noted.
- B. So noted.
- C. So noted.

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**TOPIC:**

Consensus Agenda

- A. NCSBN Update
- B. Coalition for the Prevention of Medical Errors Update

**DISCUSSION:**

- A. NCSBN Update: None
- B. Coalition for the Prevention of Medical Errors Update: Board members were provided the November 2013 and December 2013 minutes and December 2013 and January 2013 report provided by the Coalition for the Prevention of Medical Errors.

**ACTION:**

- A. Accepted by consensus
- B. Accepted by consensus

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**TOPIC:**

Requests for License Reinstatement, In the Matter of J. Low, RN244621; RN-05-173

**DISCUSSION:** Board members reviewed T. Westgate's previously distributed memo.

On or about January 27, 2005, while holding a license to practice as a Registered Nurse in Massachusetts, the New Hampshire Board of Nursing issued a Consent Order placing the Licensee's New Hampshire nursing license on probation for a period of at least nine (9) months subject to specified conditions and restrictions based on his unsupervised attempts to start intravenous therapy without documented competency and facility authorization; use of inappropriate language to co-workers; and unprofessional remarks directly to patients or within their hearing range. Effective April 12, 2006 the Licensee's nursing License was Voluntarily Surrendered for an indefinite period of time based on the Licensee failing to comply with, and was in violation of, the requirements of the above-referenced Consent Order issued by the New Hampshire Board of Nursing against his New Hampshire nursing license.

**ACTION:** Motion by K. Gehly, seconded by C. Simonian, and unanimously voted to accept the Licensee's request for reinstatement on the condition that he enters into a standard consent agreement for probation for at least one (1) year and properly renews his nursing license.

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**TOPIC:**

Requests for License Reinstatement, In the Matter of L. Gorton, RN197142; RN-02-348

**DISCUSSION:** Board members reviewed T. Westgate's previously distributed memo.

On December 15, 2006, the Board found by Final Decision and Order, that during or about October 2000 through April 2002 while employed as a Registered Nurses an apheresis specialist, at Baystate Medical Center in Springfield, MA, she administered calcium gluconate to 3 patients without a valid physician's order. In one case, she administered the medication after being advised by the physician that she should not administer it and in 2 cases, she failed to document her administration. Effective December 25, 2006 the Licensee's nursing License was Suspended for an indefinite period by Final Decision and Order

**ACTION:** Motion by A. Peckham, seconded by M. Beal, and unanimously voted to accept the Licensee's request for reinstatement on the condition that she enters into a standard consent agreement for probation for at least one (1) year and properly renews her nursing license.

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**TOPIC:**

Requests for License Reinstatement, In the Matter of L. Wellspeak, LN59724; LN-04-188

**DISCUSSION:** Board members reviewed T. Westgate's previously distributed memo.

Licensee admits that while employed as a LPN by Excel Nursing Services at Genesis Elder Care-Heritage Hall North in Agawam, MA on or about May 2, 2004, she verbally abused patients when she

- a) told a patient that she was a "bitch" and that she should take her medicine or she'd "shove it up her ass;"
- b) told another patient that she was on her nerves, was bugging her and needed "to bend over and someone should run something up her;" and
- c) told this patient that she needed "a man to stick it to her and maybe she would be happy then."

Effective March 21, 2005 the Licensee's nursing License was placed on Probation for one (1) year. July 2005 the Licensee had a written warning, from South Hadley (employer), for her loud and harsh manner directed at family members of a patient. September 1, 2005 a quarterly report from same employer which stated in part that "there have been several inappropriate outbursts of conversations by Lisa directed at residents and or families." The report further stated that her progress at the time was slow but would hopefully correct itself with education and redirection. April 2006 her employer submitted a quarterly report which stated, in part, that, "Lisa's behavior remains unchanged. She is outspoken, opinionated and coarse to staff and families." The report also revealed that she had just completed a one (1) day suspension for rude and disrespectful behavior directed at a family member who requested pain medication for her dying father.

Effective May 30, 2006 the Licensee was suspended for non-compliance with the Probation Agreement On November 12, 2012 the Board denied Reinstatement as follows: Motion by P. Gales, seconded by J. Killion and unanimously voted to deny the licensee's request for reinstatement as the RN has not taken responsibility for her conduct and has provided no documentation of her ability to practice in a safe and competent manner.



Board members discussed the evaluation dated August 31, 2012 from Dr. Lloyd Franklin Price which was concerning in that he recommended "Given Ms. Wellspeak's report of chronic fatigue which she feels may be related to her "pre diabetic state and/or "iron deficiency," she should be medically evaluated and cleared as per Board protocol."

1. Ms. Wellspeak should agree that she will not use any "energy drinks," and/or stimulant medication during any day in which she is working.
2. Ms. Wellspeak should be restricted to working four 8 hour shifts per 7 days and not work any night shifts until the issue of fatigue has been addressed.
3. Ms. Wellspeak should not work alone on a unit and not be responsible for more than 20 patients at a time.

Lastly Dr. Price states, "Should Ms. Wellspeak's license be restored, I would recommend that the above conditions be reevaluated after one year of satisfactory performance."

**ACTION:** Motion by E. R. Rothmund, seconded by C. Tebaldi, and unanimously voted to deny the licensee's request for reinstatement until she can provide the Board with an updated evaluation from Dr. Price.

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**TOPIC: Resolution of Pending Board Complaints**

1. Board review and action on pending complaint, **M. Litman, RN/PC142475, NUR-2013-0002**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by E.R. Rothmund, seconded by M. Beal and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered: (a) a STANDARD CONSENT AGREEMENT FOR REPRIMAND of her RN license and advanced practice authorization as a PC *on the condition that* within thirty (30) days of the Board's review of this complaint investigation, the Licensee provides documentation satisfactory to the Board that she has successfully completed at least six (6) contact hours of continuing education on Professional Boundaries and five (5) contact hours on Professional Accountability & Legal Liability for Nurses, and an Affidavit from the Licensee attesting to her review and understanding of Part II-Boundaries of Acceptable Medical Practice, Section 1, Basic Requirements of Acceptable Prescriptive Practice of the Commonwealth of Massachusetts, Board of Registration in Medicine Policy 89-01: The Prescribing Practices Policy and Guidelines, adopted 8/1/89, amended 11/17/10 at pages 29-31 that may be found at <http://www.mass.gov/eohhs/docs/borim/policies-guidelines/policy-89-01.pdf>; (b) *otherwise*, a STANDARD CONSENT AGREEMENT FOR PROBATION of her RN license and advanced practice authorization as a PC for at least six (6) months that, however, permits supervision of her practice by her supervising physician when she is practicing as a RN/PC, and also requires her to provide documentation satisfactory to the Board within six (6) months of the effective date of the consent agreement of at least six (6) contact hours of continuing education on Professional and five (5) contact hours on Professional Accountability & Legal Liability for Nurses, and an Affidavit from the Licensee attesting to her review and understanding of Part II-Boundaries of Acceptable Medical Practice, Section 1, Basic Requirements of Acceptable Prescriptive Practice of the Commonwealth of Massachusetts, Board of Registration in Medicine Policy 89-01: The Prescribing

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**TOPIC: Resolution of Pending Board Complaints**

2. Board review and action on pending complaint, **B. Eisenhauer, LN88635, NUR-2013-0145**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by E.R. Rothmund, seconded by B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of his LPN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard forensic mental health evaluation (that may be incorporated in the addictionologist evaluation if the Licensee obtains this alternative), the standard criminal activity and out-of-state discipline related requirements, documentation of his successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a POST-SURRENDER PROBATION for at least one (1) year.

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**TOPIC: Resolution of Pending Board Complaints**

3. Board review and action on pending complaint, **A. Persall, LN64181, NUR-2013-0183**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by J. Killion, seconded by P. Gales and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of her LPN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, a standard mental health evaluation (that may be incorporated in the addictionologist evaluation if the Licensee obtains this alternative), the standard criminal activity related requirements, documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a POST-SURRENDER PROBATION for at least one (1) year.

**TOPIC: Resolution of Pending Board Complaints**

4. Board review and action on pending complaint, **E. Zielinski, RN268191, NUR-2013-0120**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by J. Killion, seconded by M. Beale and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT for a *NON-DISCIPLINARY* STAYED PROBATION of her RN license, for six (6) months that incorporates the Board's standard probation agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations, active practice and continuing education related conditions, as well as successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice.

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**TOPIC: Resolution of Pending Board Complaints**

5. Board review and action on pending complaint, **M. Zona, RN150925, NUR-2013-0146**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by J. Killion, seconded B. Levin and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SUSPENSION of her RN license for an indefinite period with reinstatement requirements that also include the standard documentation of her successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing which includes a component of Maintaining the Security of Controlled Substances, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours in Infection Control and Medication Administration, and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice. The suspension period to be followed by a STANDARD POST-SUSPENSION PROBATION for one (1) year.

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**TOPIC: Resolution of Pending Board Complaints**

6. Board review and action on pending complaint, **S. Coughlin, RN284927, NUR-2013-0179**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices, as well as the status of the Licensee's criminal matter as being open until 6/5/14, and accepted the recommended basis for action on the

complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by E.R. Rothmund, seconded by J. Killion and vote unanimously Refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SUSPENSION of his RN license for an indefinite period with reinstatement requirements that also include a standard forensic mental health evaluation, the standard criminal activity related requirements, and documentation of his successful completion of six (6) contact hours on Recognition and Prevention of Patient Abuse, three (3) contact hours on Legal and Ethical Aspects of Nursing, and completion with a successful passing score of the EDGT (Educational Global Technologies) tutorial course entitled Fundamentals: Therapeutic Communication Skills. The suspension period to be followed by a STANDARD POST-SUSPENSION PROBATION for at least two (2) years.

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**TOPIC: Resolution of Pending Board Complaints**

7. Board review and action on pending complaint, **C. Daniels, RN/NP268224, NUR-2013-0180**

**DISCUSSION:** B. Levin rescued herself and left the room. The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by E.R. Rothmund, seconded by K. Gehly and vote passed with, A. Peckham, K. Gehly, M. Beale, E.R. Rothmund, and B. Levin J. Killion in favor, C. Simonian and C. Tebaldi opposed, and B. Levin recused from vote to *either*: (a) DISMISS the complaint without prejudice with a NON-DISCIPLINARY CAUTION that all nurses licensed by the Board with prescriptive authority are required to adhere to the standards of advanced nursing practice regarding the requirements for acceptable prescriptive practices, *on the condition that* within thirty (30) days the Licensee submits documentation satisfactory to the Board that she has successfully completed at least six (6) contact hours of continuing education on Professional Boundaries (qualifying courses may be found at <https://professionalboundaries.com/onlinecourse.php> and [http://learningext.com/nurses/p/professional\\_boundaries.aspx](http://learningext.com/nurses/p/professional_boundaries.aspx)) and five (5) contact hours on Professional Accountability & Legal Liability for Nurses (a qualifying course may be found at [http://learningext.com/nurses/p/professional\\_accountability.aspx](http://learningext.com/nurses/p/professional_accountability.aspx)), and an Affidavit from the Licensee attesting to her review and understanding of Part II-Boundaries of Acceptable Medical Practice, Section 1, Basic Requirements of Acceptable Prescriptive Practice of the Commonwealth of Massachusetts, Board of Registration in Medicine Policy 89-01: The Prescribing Practices Policy and Guidelines, adopted 8/1/89, amended 11/17/10 at pages 29-31 that may be found at <http://www.mass.gov/eohhs/docs/borim/policies-guidelines/policy-89-01.pdf>; or (b) *otherwise*, refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication, and alternatively in final settlement of this matter, the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR a NON DISCIPLINARY STAYED PROBATION of her RN license and advanced practice authorization as a NP for six (6) months that incorporates the Board's standard probation agreement requirements regarding practice setting restrictions, supervisor verification, supervision and performance evaluations *that may, however, be performed by her supervising physician when she is practicing as an NP*, active practice and continuing education related conditions, as well as

documentation satisfactory to the Board that she has successfully completed at least six (6) contact hours of continuing education on Professional Boundaries (qualifying courses may be found at <https://professionalboundaries.com/onlinececourse.php> and [http://learningext.com/nurses/p/professional\\_boundaries.aspx](http://learningext.com/nurses/p/professional_boundaries.aspx)) and five (5) contact hours on Professional Accountability & Legal Liability for Nurses (a qualifying course may be found at [http://learningext.com/nurses/p/professional\\_accountability.aspx](http://learningext.com/nurses/p/professional_accountability.aspx)), and an Affidavit from the Licensee attesting to her review and understanding of Part II-Boundaries of Acceptable Medical Practice, Section 1, Basic Requirements of Acceptable Prescriptive Practice of the Commonwealth of Massachusetts, Board of Registration in Medicine Policy 89-01: The Prescribing Practices Policy and Guidelines, adopted 8/1/89, amended 11/17/10 at pages 29-31 that may be found at <http://www.mass.gov/eohhs/docs/borim/policies-guidelines/policy-89-01.pdf>.

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**TOPIC: Resolution of Pending Board Complaints**

8. Board review and action on pending complaint, **L. Sullivan, RN218409, NUR-2013-0181**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the complaint including existing aggravating and mitigating circumstances as set forth in the CRC section of the Investigation Report.

**ACTION:**

Motion by K. Gehly, seconded by P. Gales and voted unanimously to refer the complaint to the Office of Prosecutions for issuance of an OTSC and adjudication. Alternatively, in final settlement of this matter the Licensee may also be offered a STANDARD CONSENT AGREEMENT FOR SURRENDER of his RN license for an indefinite period with reinstatement requirements that also include the standard either/or substance abuse related requirements, the standard criminal activity related requirements, documentation of his successful completion of six (6) contact hours on Medication Administration and Documentation in Nursing, three (3) contact hours on Legal and Ethical Aspects of Nursing, three (3) contact hours on Pain Management in Nursing and three (3) contact hours on Critical Thinking and Judgment in Nursing Practice, and a STANDARD POST-SURRENDER PROBATION for at least one (1) year.

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**TOPIC: Resolution of Pending Staff Assignments**

1. Board review and action on pending Staff Assignment, **K. D'Alessandra aka Gately, LN64369, SA-INV-2796**

**DISCUSSION:** The Board's Compliance Officer and CRC reviewed their previously distributed Investigation Report with CRC recommendations. The Board members considered the evidence obtained during the investigation relevant to the Licensee's nursing practices and accepted the recommended basis for action on the Staff Assignment including existing aggravating and mitigating circumstances as set forth in the CRC section of the Staff Assignment Investigation Report.

**ACTION:**

Motion by E.R. Rothmund, seconded by J. Killion and voted unanimously to CLOSE this Staff Assignment without further action as there is insufficient evidence to substantiate the allegations presented by the complainant. However, OPEN a Complaint against the Licensee based on her pattern of criminal convictions and the extension of her court ordered probation from 2005 to 2011 with notice to the Licensee for a letter of explanation regarding her criminal history, and submission of documentation her employment and nursing practice performance status during the past five (5) years.

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**TOPIC: Resolution of Pending Staff Assignments**

2. Board review and action on pending Staff Assignment, **E. Bull, RN/PC88084, SA-INV-2941**

**DISCUSSION:** None

**ACTION:**

SA-INV-2941 moved to G.L. c. 112, § 65C session agenda under Section IV.E.

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**TOPIC: Resolution of Pending Staff Assignments**

3. Board review and action on pending Staff Assignment, **L. Moriarty, RN/NP2262902, SA-INV-2969**

**DISCUSSION:** None

**ACTION:**

SA-INV-2969 deferred

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**TOPIC: Resolution of Pending Staff Assignments**

4. Board review and action on pending Staff Assignment, **M. Stelly-Gendron, RN/NP205899, LN51770 (lapsed), SA-INV-2937**

**DISCUSSION:** None

**ACTION:**

SA-INV-2937 – deferred

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**TOPIC: Resolution of Pending Staff Assignments**

5. Board review and action on pending Staff Assignment, **A. Harakas, RN/PC21577, SA-INV-3053**

**DISCUSSION:** None

**ACTION:**

SA-INV-3053 – moved to G.L. c. 112, § 65C session agenda under Section IV.E

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**TOPIC: Resolution of Pending Staff Assignments**

6. Board review and action on pending Staff Assignment, **N. Granger, RN/PC148763, SA-INV-3286**

**DISCUSSION:** None

**ACTION:**

SA-INV-3286 – moved to G.L. c. 112, § 65C session agenda under Section IV.E.

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**TOPIC: Resolution of Pending Staff Assignments**

7. Board review and action on pending Staff Assignment, **C. Saball-Tobin, RN/PC159992, SA-INV-3707**

**DISCUSSION:** None

**ACTION:**

SA-INV-3707 – deferred

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**TOPIC: Resolution of Pending Staff Assignments**

8. Board review and action on pending Staff Assignment, **S. Abraham, RN130200, SA-INV-3731**

**DISCUSSION:** None

**ACTION:**

SA-INV-3731 – deferred

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**TOPIC: Resolution of Pending Staff Assignments**

9. Board review and action on pending Staff Assignment, **J. Burke, RN/NP149281, SA-INV-3732**

**DISCUSSION:** None

**ACTION:**

SA-INV-3732 – deferred

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**TOPIC: Probation**

**DISCUSSION:**

1. April Cobia, RN 257738; RN-06-209; K Fishman reviewed her previously distributed memo in which she discussed the Licensee's request for termination of probation. The Licensee was placed on Probation in January 2008 due her violations of her nursing practice in Arizona (AZ). The licensee's nursing license was placed on probation in Washington (WA) due to the AZ matter. The Massachusetts probation allows her to terminate probation upon her release of probation in the AZ and WA. She was released from probation in both states in October 2013. This matter comes before the Board because this nurse has an expired nursing license in California (CA) which was revoked by a Default Decision and Order, effective February 8, 2010. The California (CA) license revocation was due to the fact that an Accusation (complaint) was issued by the CA Board of Registered Nursing (CA Board) and was sent to the licensee's address of record in October 2009. The Accusation was based upon the AZ, WA and MA probations. The licensee did not respond to the Accusation because she had not updated her address of record with the CA Board and therefore did not receive the mailing. The licensee reported the CA revocation to the Massachusetts Board shortly thereafter. In light of her release from probation in AZ and WA, the recommendation is that the licensee's MA probation be terminated. Board staff is requesting that the Board vote on this matter.

**DISCUSSION:**

2. L. Tanner, RN254431, RN-06-162; K Fishman reviewed her previously distributed memo in which she discussed the Licensee's request to modify the terms of her agreement with the Board to allow her to be supervised by a manager who is not a licensed nurse. The Licensee was placed Probation in December 2012 due to her violations of her nursing practice in Wyoming. The licensee is subject to an Order for Conditional License in Wyoming, issued by the Wyoming State Board of Nursing,

effective February 27, 2013. The Order allows her to practice as a Registered Professional Nurse (RPN) with a conditional license for a minimum three (3) year period. The Order is based upon her Massachusetts licensure probation and requires her to comply with many terms and conditions, to include compliance with the Massachusetts Consent Agreement. Additionally, the Order restricts her from dispensing or administering controlled substances for a minimum twelve (12) month period. The licensee is required to work in a setting where direct supervision by an RPN is provided. She must also have a "Worksite Monitoring Agreement" signed by her supervisor(s) within 15 days of obtaining nursing employment. The licensee is requesting that the Board allow her to work under the supervision of the Center Manager of BioLife Plasma Services in Wyoming. She states that she has not been able to obtain nursing employment in Wyoming with a conditional license and she is concerned that she may not get another similar opportunity and therefore may not be able to comply with her Agreement in Massachusetts. She would like the Board to consider that the Wyoming Board has allowed the Center Manager to supervise her nursing practice, despite the fact that he is not a nurse. She has submitted the signed "Worksite Monitoring Agreement" from Wyoming.

**ACTION:**

1. April Cobia, RN 257738; RN-06-209: motion by C. Simonian, seconded by B. Levin unanimously voted to approve the request to terminate her probation.
2. L. Tanner, RN254431, RN-06-162: motion by K. Gehly, seconded by J Killion and unanimously voted to approve the request to allow the licensee to be supervised by the Center Manager of BioLife Plasma Services in Wyoming

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**TOPIC:**

**Education**

- A. 244 CMR 6.04(1) (f)<sup>1</sup> Notifications
- B. 244 CMR 6.08(1) (a) Evaluation of Approval Status: Blue Hills Regional Technical School Practical Nurse Program

**DISCUSSION:**

- A. Members reviewed C. Silveira's previously distributed memo.
- B. Members reviewed C. Silveira's previously distributed memo.

**ACTION:**

- A. Motion by P. Gales, seconded by M. Beal, and unanimously voted to find compliance with regulation 244 CMR 6.04(1) (f) in the notification of the appointment of:
  1. Roger Bourgeois, Superintendent-Director, Greater Lowell Technical High School; and
  2. Dr. Elizabeth Preston, Interim President, Westfield State University.
- B. Motion by P. Gales, seconded by B. Levine, and unanimously voted to:
  1. Find:
    - a. Blue Hills Regional Technical School to be in compliance with 244 CMR 6.04(1)(f) in its notification dated December 16 and 20, 2013, of a change in administrative personnel within its Practical Nurse Program;
    - b. Ms. McCann's resume demonstrates compliance with 244 CMR 6.04(2)(a) 1-3; and

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<sup>1</sup> The Board shall be notified immediately in writing of a change in administrative personnel within the program, or a change of chief executive officer of the parent institution, or both.



- c. Blue Hills Regional Technical School to be in compliance with 244 CMR 6.04(1) (c) in its appointment of Ms. McCann as administrator of the Practical Nurse Program.
2. Continue the Full Approval Status of the Practical Nurse Program, Blue Hills Regional Technical School.

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**TOPIC:**

Announcements

**DISCUSSION:**

None

**ACTION:**

None

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**TOPIC:**

Adjournment

**DISCUSSION:**

None

**ACTION:**

Motion by E.R Rothmund, seconded by M. Beal, and passed unanimously to adjourn the meeting at 1:25 p.m.

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Respectfully submitted by:



Rula Harb, MS, RN, Executive Director  
Board of Registration in Nursing

Agenda with exhibits list attached